

State Supreme Court sets September date for McCleary hearing

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OLYMPIA — Lawmakers will get another chance to convince the state Supreme Court that they are on course to meet a 2018 deadline for ensuring the state covers the full cost of a basic education in Washington public schools.

On Thursday, justices announced they will convene a hearing Sept. 7 to hear specifics on what's been accomplished, what's left to do and the potential tab of achieving full compliance in [the McCleary case](#).

Justices, [in their order](#), said they want estimates of the price tag for paying teachers a competitive salary and having enough staff and classrooms to provide for all-day kindergarten and smaller class sizes in elementary through third grade.

And the court intends to press lawyers for the state on how lawmakers intend to meet these financial obligations with “dependable and regular revenue sources.” The aim is to curb school districts’ use of local levies to cover some of these costs, a practice the court has said violates the state constitution.

“What remains to be done to achieve compliance is undeniably huge, but it is not undefinable,” Chief Justice Barbara Madsen wrote in the order. “The State can certainly set out for the court and the people of Washington the detailed steps it must take to accomplish its goals by the end of the next legislative session.”

At some point after the hearing — which coincidentally occurs on the first day of the new school year for many districts — the Supreme Court will decide whether to continue sanctions imposed due to lawmakers’ failure to give the court a plan for compliance.

The September hearing won't alter the dynamics surrounding the school-funding conversation in the Legislature, said Sen. Joe Fain, R-Auburn, a member of **a bipartisan committee that provides the court with annual progress reports** in the case.

"The court actions are immaterial to the Legislature's responsibility to eliminate the inequality that has perpetuated a chronic opportunity gap in education," he said.

Sen. David Frockt, D-Seattle, another committee member, said what's most significant about Thursday's order is "that they are trying to press the Legislature for specifics on its plan."

He disagreed with Fain on the hearing's importance.

"It does matter what the court does," Frockt said. "The court is the one evaluating if what we do meets constitutional standards."

The attorney for the plaintiffs said the court's approach signals a willingness to hold lawmakers' feet to the fire. By making them lay out precisely what's been done and is left to do will give the court clear markers for measuring progress and, if necessary, deciding sanctions next year.

"It is the Supreme Court taking it very seriously," said attorney Thomas Ahearne.

"They're not going to wait until the end of the 2017 session for lawmakers to tell them what they think they've done."

Thursday's order is the latest chapter in **the protracted legal and political tussle** on the manner and means the state uses to provide a basic education for roughly 1.1 million students in public schools.

A lawsuit filed in 2007 by parents and educators led to the 2012 ruling by the Supreme Court that state funding for education is not adequate, equitable or ample. The court gave lawmakers until 2018 to fix the problems and demanded yearly progress reports from them.

In 2014, the court demanded lawmakers submit a plan outlining the path they intended to take to comply. When that plan didn't arrive, the court found the state in contempt.

Last year, justices started the fine in hopes of compelling lawmakers to devise a blueprint ensuring they would meet the deadline.

In the order issued Thursday, the court said the involved parties should be prepared to provide "specific and detailed answers" to several questions. These include:

The estimated current cost of full state funding of basic education including transportation, classroom materials and supplies, as well as hiring staff and constructing classrooms needed to accommodate smaller class sizes in kindergarten through third grade and all-day kindergarten;

The estimated cost of full state funding of “competitive market-rate basic education salaries” for teachers, administrators and classified personnel; and

Whether the state considers the 2018 deadline to be the start of the 2017-2018 school year, the end of the 2017-2018 fiscal year or the end of the 2018 calendar year.

Peter Lavalley, spokesman for Attorney General Bob Ferguson, said in an email that the office will file a brief beforehand on the issues the Supreme Court asked parties to address.

In their progress report this year, lawmakers said state funding for public schools has increased by \$4.8 billion since the McCleary decision and today several pieces of basic education are paid for in full as required.

The report also points out that a law enacted earlier this year **commits the Legislature to acting in 2017** to eliminate school district dependency on local property tax levies to fund teacher salaries and other components of basic education. This is the most significant piece of unfinished McCleary business.

But those who sued the state have told the court they don’t think lawmakers have done enough and want tougher sanctions imposed. They contend justices should consider axing tax breaks to generate money or even invalidate school funding statutes which would prevent schools from opening.

Meanwhile, Superintendent of Public Instruction Randy Dorn said he **intends to sue several school districts** that use local levy dollars to cover basic education expenses, including salaries.

While the McCleary decision points out that such practice is unconstitutional, it doesn’t make clear whether it’s okay when school districts are trying to fill gaps left by a lack of state funding. Dorn said he hopes to file the lawsuit early next week.

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